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**Forced Disappearances Treaty Negotiations September 2005  
Guidance for Closing Statement of the United States**

- **As the work of the Working Group draws to a close, we express appreciation to the Chair and his team, including the Secretariat, for your enormous dedication, skill, and industriousness during negotiations on a binding instrument to combat this heinous crime.**
- **We also commend the State delegations, the independent experts, the ICRC, and non-governmental organizations for their commitment, expertise, tireless work, and collegiality throughout, and give special thanks to the families of the disappeared for bearing witness to this terrible scourge.**
- **At the same time, as we have said before, in order to produce a document that reflects consensus, treaty negotiations should be deliberate, unhurried, and careful, allowing for full expression of views by all representatives.**
- **All negotiations should additionally be inclusive, allowing full attendance by all delegation members, and transparent, based on a clear draft treaty text which takes account of opposing views.**
- **Deliberate, participatory and transparent negotiating processes are far more likely to result in a carefully drafted and fully vetted document that represents consensus.**
- **We regret that the pace of negotiations, among other factors, has resulted in a document that does not reflect consensus of the Working Group.**
- **Key issues remain disputed, and the United States, for example, continues to have reservations regarding a number of articles or sub-articles including:**
  - **RIGHT TO THE TRUTH - Preamble paragraph 7 and Article 24(2)**
  - **DEFINITION - Article 2**
  - **CRIMINALIZATION - Article 4**
  - **CRIME AGAINST HUMANITY - Article 5**
  - **LACK OF DEFENSE OF SUPERIOR ORDERS - Article 6(2)**
  - **STATUTE OF LIMITATIONS - Article 8**
  - **"FOUND IN" JURISDICTION - Article 9(2)**
  - **NON-REFOULEMENT - Article 16(2) & (3)**
  - **ACCESS TO PLACES OF DETENTION - Article 17, including 17(2) (e) and**
  - **NEW TREATY MONITORY BODY - Article 26 .**
- **We now look to the work that lies ahead, as states consider proposals before UN bodies for adoption of the instrument for adoption by member states.**

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